

Notice of Allowability

Application No.

10/622,235

Examiner

Lars A Olson

Applicant(s)

SCHMITZ ET AL.

Art Unit

3617

S

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to request for continued examination received from the applicant on September 27, 2004.
2. ☒ The allowed claim(s) is/are 1-4 and 6-45.
3. ☒ The drawings filed on 18 July 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on September 27, 2004 has been entered.
2. An amendment was received from the applicant on September 27, 2004.
3. Claim 5 has been canceled.

Reasons for Allowance

4. Claims 1-4 and 6-45 are allowed.
5. The following is an examiner's statement of reasons for allowance. The rudder as claimed is not shown or suggested in the prior art because of the use of a rudder that is comprised of a rudder body, at least one rudder member that is mounted to said rudder body, and at least one rotating means that is arranged to rotate said rudder body around a first axis and said at least one rudder member around a second axis, where said rudder body and said at least one rudder member are arranged to rotate independently of each other. The prior art also does not show or suggest the use of a method for integrating steering and motion control of a vessel, said method being

comprised of the steps of mounting first and second rudder bodies to a vessel on opposite sides of a centerline of said vessel from each other, mounting at least one first rudder member to said first rudder body and at least one second rudder member to said second rudder body, and rotating said first and second rudder bodies around a respective first axis, and said first and second rudder members around a respective second axis using at least one rotating means, where rotation of said first and second rudder bodies and said at least one first and second rudder members steers and controls motion of said vessel.

6. The prior art as disclosed by Forthmann (US 6,098,561) shows the use of a rudder member that is operatively arranged on a vessel and rotatable about a first axis and a second axis. However, none of the prior art cited shows or suggests the use of a rudder that is comprised of a rudder body, at least one rudder member that is mounted to said rudder body, and at least one rotating means that is arranged to rotate said rudder body around a first axis and said at least one rudder member around a second axis, where said rudder body and said at least one rudder member are arranged to rotate independently of each other. The prior art also does not show or suggest the use of a method for integrating steering and motion control of a vessel, said method being comprised of the steps of mounting first and second rudder bodies to a vessel on opposite sides of a centerline of said vessel from each other, mounting at least one first rudder member to said first rudder body and at least one second rudder member to said second rudder body, and rotating said first and second rudder bodies around a respective first axis, and said first and second rudder members around a respective

Art Unit: 3617

second axis using at least one rotating means, where rotation of said first and second rudder bodies and said at least one first and second rudder members steers and controls motion of said vessel.

Conclusion

7. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

8. Any inquiry concerning this communication from the examiner should be directed to Exr. Lars Olson whose telephone number is (703) 308-9807.

lo

November 16, 2004

**LARS A. OLSON
PATENT EXAMINER**



11/16/04